IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JUNE
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.29678 of 1995

Between:

A.P.S.R.T.C., rep. by its
Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

1.The Joint Transport Commissioner
and Secretary, Regional Transport Authority,
Hyderabad, rep. by its Secretary, and another.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice S.Ananda Reddy

Writ Petition No.29678 of 1995

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard the learned Counsel for the parties.

The petitioner-APSRTC plies vehicles both as stage carriage and as contract carriage under the approved Act and scheme. It is not disputed that the permits have been obtained by the petitioner to ply the vehicles mostly as stage carriage and one or two trips as contract carriage.

The respondents are of the view that the rate of tax to contract carriages is higher than the rate of tax to stage carriages. Therefore, in many cases, show cause notices were issued and final assessment orders were passed.

In the present case, a show cause notice was issued to the petitioner on 25-11-1994 and final order, which is impugned in this Writ Petition, was passed on 19-01-1995.

Similar matters came up for consideration before this Court in various judgments and one of them being ***Depot Manager, APSRTC, Hyderabad vs. Transport Commissioner, A.P., Hyderabad and others***[1]. This Division Bench Judgment was followed later on by another judgment in W.P.No.9015 of 1996, dated 28-01-2005. There is no reason not to follow the judgments passed by the two Division Benches of this Court. The learned Counsel for the parties have also agreed that the matter is covered by these two judgments.

Following the judgments cited supra, we allow the Writ Petition and quash the impugned demand notice issued by the second respondent. No costs.

_____

(Bilal Nazki, J)

5th June, 2007

_____

(S.Ananda Reddy, J)

lur

---

[1] **1998 (3) ALD 424 (DB)**